

DELTA PROTECTION COMMISSION

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**AGENDA ITEM # 12**

January 15, 1999

To: Delta Protection Commission

From: Margit Aramburu, Executive Director

Subject: Briefing and Public Hearing on U.S. Fish and Wildlife Service's Proposed North Delta National Wildlife Refuge

STATUS OF THE PROPOSED REFUGE: The U.S. Fish and Wildlife Service (Service) is planning the North Delta National Wildlife Refuge. The decision to create a new refuge will rest with the Regional Director of the Service in Portland, Oregon, upon completion of the planning and environmental compliance process.

STATUS OF ENVIRONMENTAL REVIEW: The Service will shortly be releasing its environmental analysis of four alternatives and a "No Action" alternative. A consultant is preparing two documents: socio-economic analysis of the regional impacts of changing agricultural land uses to permanent habitat, and a second report describing current hydrologic conditions and anticipated hydrologic effects of the various alternatives. No preferred alternative will be identified in the environmental document. Once the document has been circulated, the Service will select the preferred alternative for implementation. The comments presented at the January 28, 1999 public hearing before the Delta Protection Commission will be incorporated into the record.

DESCRIPTION OF THE FOUR ALTERNATIVES:

Alternative One: Establish 47,000 Acre Refuge. Alternative One would include all of the Yolo Bypass from the southern boundary of the Department of Fish and Game's Yolo Basin Wildlife Area to the southern end of the Yolo Bypass at the confluence of Cache Slough, Sacramento River, and Steamboat Slough (see Figure 1). The Refuge would include land in fee title and privately-owned lands under conservation easements. Approximately 39,000 acres of the proposed boundary is currently in agriculture; 4,500 acres is seasonally flooded and tidally influenced wetlands; 500 acres is shaded riverine aquatic habitat; 500 acres is riparian habitat; 1,500 acres is levees, dikes and roads. Lands within the City of Rio Vista and Hastings Tract have been dropped from the study area.

Alternative Two: Establish 7,800 Acre Refuge. Alternative Two would include Prospect (1,228 acres), Little Holland (1,640 acres), and Liberty (4,760 acres) Islands. Approximately 3,000 acres of Liberty is presently in agriculture, the remainder is tidally influenced wetlands with associated riparian habitat. There are 300 acres in levees and roads.

Alternative Three: Establish 33,000 Acre Refuge. Alternative Three includes lands covered by existing easements within the North Central Valley Wildlife Management Area. Approximately 26,000 acres of the proposed refuge is in agriculture, and 3,500 acres of seasonally flooded, tidally influenced wetlands. The Service, Department of Fish and Game, Natural Resources Conservation Service, and other Federal and State agencies are actively acquiring easements in this area. This alternative leaves non-refuge lands north of the Yolo Bypass Duck Clubs and south of the Yolo Bypass Wildlife Area.

Alternative Four: Establish 14,000 Acre Refuge. Alternative Four focuses on lands in the southern Yolo Bypass which could easily be converted to tidal wetlands. Approximately 11,000 acres of the proposed refuge are in agriculture. The remaining lands are privately owned seasonal duck clubs, tidally influenced wetlands, and levees and roads. This alternative does not include the duck clubs in the Yolo Bypass.

PROPERTY OWNERSHIP:

The Service may not acquire land until environmental review has been completed. Prospect Island is owned by the Bureau of Reclamation (1,228 acres); the Port of Sacramento owns 310 acres at the southern tip of Prospect Island; the Department of Fish and Game owns 35 acres on the southern edge of Prospect Island. All other lands under consideration are in private ownership.

PROJECT LOCATION:

See attached maps.

HISTORY OF PROPERTY OWNERSHIP:

Prospect Island was acquired by the Bureau of Reclamation in 1995; other publicly owned lands were purchased before 1993.

DESCRIPTION OF THE SITE:

The Yolo Bypass is a floodway created by the State and Federal governments in the 1950's and is part of the Sacramento River Flood Control Project. The flood easements in the Bypass were purchased at that time and are held by the State Reclamation Board. The purpose of the Yolo Bypass is to promote swift movement of flood waters from the Sacramento River through the

Valley and into the Bay. The flood easements preclude construction of buildings in the Bypass, and also restricts the type of vegetation in the Bypass.

USES OF THE SITE:

There are no permanent structures in the area; all land is in agriculture, or in private duck clubs.

SURROUNDING LAND USES:

Cache Slough Mitigation Area: 176 acre island at the confluence of Shag Slough and Cache Slough was restored as mitigation for the Sacramento Bank Protection Project.

Stone Lakes National Wildlife Refuge: an 18,000 acre refuge includes federal, State and private lands. The Refuge is eight miles due east of the study area.

Yolo Basin Wildlife Area: a 3,300 acre State Wildlife Management Area to the north of the study area.

Central Valley Habitat Joint Venture: a cooperative effort of nonprofit groups and State and Federal agencies to implement the North American Waterfowl Management Plan. Approximately 3,300 acres of conservation easements have been acquired by the State and federal agencies on privately-owned duck clubs within the study area.

HISTORY OF FLOODING:

The entire Yolo Bypass is designed and managed to flood in high flow years.

PURPOSE OF THE PROJECT:

The Service says the primary management focus for the proposed refuge is wildlife and habitat protection and management. The project provides the opportunity to transform much of the Bypass into a diverse mosaic of agriculture, wetlands, riparian forests, oak woodlands, and grasslands. The Service will provide high-quality, safe, and accessible wildlife-dependent interpretive, recreational, and educational opportunities within the capabilities of available staff and budget.

PROPOSED GOALS OF THE NORTH DELTA NATIONAL WILDLIFE REFUGE:

Manage and restore the riparian plant community, seasonally flooded wetlands, tidally-influenced wetlands, and tidal open water for federally listed species such as the valley elderberry longhorn beetle, winter-run Chinook salmon, California red-legged frog, delta smelt, giant garter snake, delta green ground beetle, vernal pool fairy shrimp, and the Sacramento splittail.

Preserve a natural diversity and abundance of flora and fauna, with an emphasis on neotropical migrants.

Provide optimal feeding and restoring habitat for wintering waterfowl, and other migratory water and shorebirds.

Provide compatible wildlife-dependent recreational uses, such as wildlife observation and photography, environmental education and interpretation, hunting, and fishing, and management-oriented research.

REVENUE SHARING

Using a formula set out in the Revenue Sharing Act (Public Law 95-469), the Service will offset property tax losses to local government.

NEARBY PENDING AND PROPOSED PROJECTS:

Prospect Island: Restoration of Prospect Island to tidal action is a separate project which is currently being pursued by the Corps of Engineers. The Delta Protection Commission has received a briefing on the project. An environmental document has been circulated, but not yet finalized. Issues of concern have been raised by neighboring landowners. The Service would accept ownership of the site after it has been restored to tidal action. This Project is the nucleus of the North Delta National Wildlife Refuge. The Corps received Category III funds for acquisition of Prospect Island, and recently received additional funds to repair the levee broken last winter to allow the Island to be drained; the project will be built "in the dry" and then the levees opened to tidal action.

Liberty Island: The Service received a \$8.5 million Category III grant to acquire Liberty Island.

Hastings Tract: Hastings Tract has received Category III grants from CALFED for installation of fish screens on gravity intake pipes, and relocation of the pipes from Cache Slough to Lindsey Slough. A second grant was approved to restore 2,000 linear feet of levee bank and shaded riverine aquatic habitat.

Corridor from Jepsen Prairie Preserve to Prospect Island: The Solano County Farmland and Open Space Foundation received a Category III grant to design a habitat corridor between the two sites.

Yolo Bypass: Two studies have been funded in the Yolo Bypass. A grant to Department of Water Resources is to provide data and technical recommendation on Bypass modification to protect stranded fish. The second study by the Yolo Basin Foundation will result in an implementation strategy for environmental restoration in the Bypass.

Little Holland Tract: Little Holland Tract flooded in 1983; after prolonged negotiations over regulatory issues, the Corps has been negotiating to acquire the site, however, no agreement has yet been reached.

CONFORMANCE WITH PROPOSED CALFED ACTIONS:

CALFED has expressed interest in improving survival rate of fish which enter the Yolo Bypass. In addition, creation of permanent water-covered areas in the Bypass could serve as year-round fish migration routes and/or fish nursery areas.

CALFED has funded portions of the Prospect Island restoration project and given 8.5 million dollars in a CALFED grant in 1998 for acquisition of Liberty Island.

ISSUES: The following issues were raised in public meetings held in March and July of 1998:

Impacts to Agriculture: Impacts to agriculture and the regional economy will be addressed in the consultant's report being prepared as part of the environmental document.

Impacts to Levee Maintenance: Reclamation Districts have asked for assurances that if the Service acquires portions of an island/reclamation district, the federal government would continue to pay assessments required to maintain levees.

Impacts to Floodwater Conveyance: Impacts to floodwater conveyance will be addressed in the consultant's report being prepared as part of the environmental document.

Protection and Restoration of Wetlands: Comments have been made in support of the proposed project; comments support linkage with other established wildlife habitat areas (Suisun Marsh, Cosumnes Preserve, etc).

Increased Fisheries Habitat in the Delta: Comments have been made in support of the proposed project to create fisheries habitat. Hydrologic modeling will address issues associated with entrainment of endangered species and entrapment of endangered species. Concerns have been raised that increased numbers of endangered species would affect ability of landowners and water districts to pump in this area.

Compatible Public Use: Focus will be interpretation, recreation, and education. Likely to allow continued hunting, fishing, and boating.

Landowner Property Rights: The Service has identified that acquisition in the new Refuge will be "willing seller only". Concerns have been raised that the refuge could impact land management practices on adjacent privately-owned lands. Concerns were raised that wetland habitat as a neighbor would adversely impact agricultural land values. Concerns were raised about possible off-site impacts, such as seepage.

PROJECT ISSUES:

The following issues are deemed significant and will be addressed in the environmental document: **Biological Issues** including the need to restore and enhance wildlife resources in the Delta; improved water quality by providing tidally influenced wetland for filtering and sediment deposition; and concerns that the new refuge would require surrounding farmers to screen diversions and pumps to prevent loss of increased presence of threatened and endangered species. **Social and Economic Issues** including: impacts to local taxes; loss of agricultural lands and loss of revenues to local communities; and need for appropriate recreation. **Flood Concerns** including: possible increased potential flooding in surrounding areas, and enhanced flood flow capability through the Bypass by removing strategic levees.

The Service has determined that the following issues do not warrant detailed analysis in the environmental document: **Land Ownership/Land Use:** impacts on private property (trespassing); fiscal impacts to reclamations districts due to federal ownership of property (the Service will sign agreements to pay proportionate fees); and acquisition of lands could lower value of existing farm lands. **CALFED Relationship:** The Service believes there is no direct connection between the CALFED program and the Service's authority to establish a refuge; specific management plans will be developed later in the refuge planning process; and lands would be acquired from willing sellers only.

NOTICE OF MEETING:

CALFED

City of Rio Vista

Solano County

Yolo County

Sacramento County

Yolo Bypass Foundation

All landowners (as listed in the Echo Maps Books)

Reclamation Districts within and bordering the study area

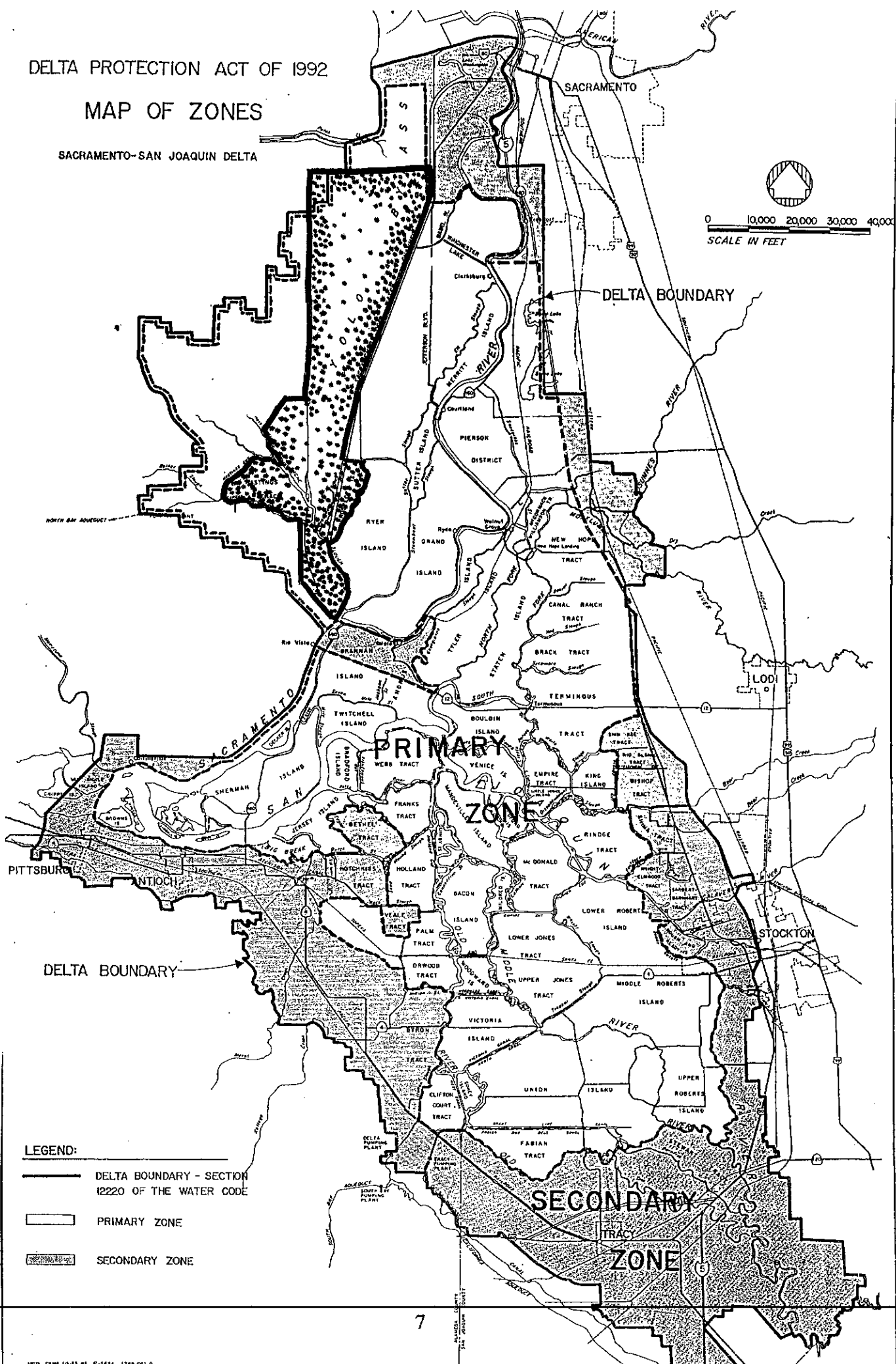
Sacramento County Area Flood Control Agency

Sacramento Northern Railroad

DELTA PROTECTION ACT OF 1992

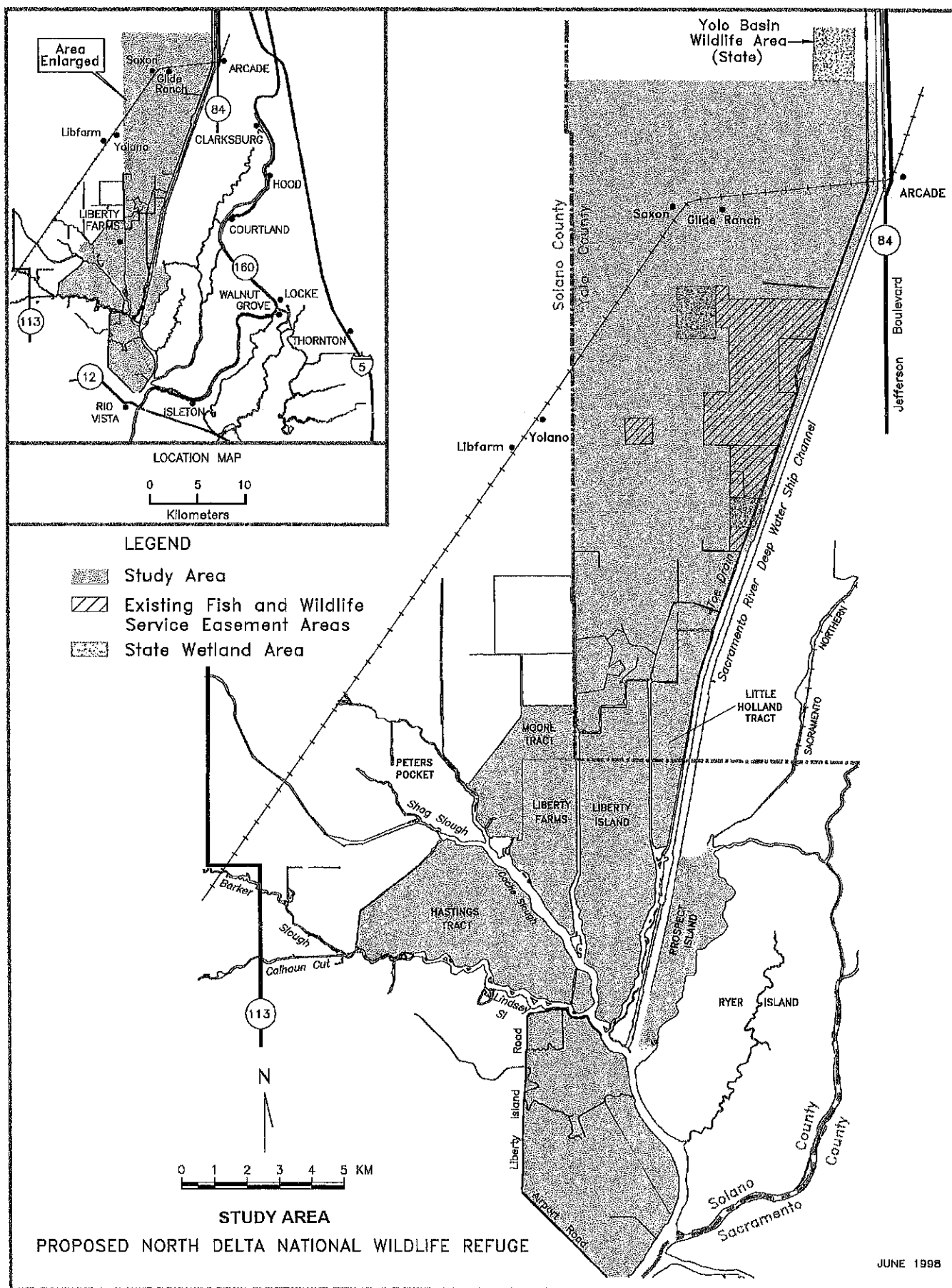
MAP OF ZONES

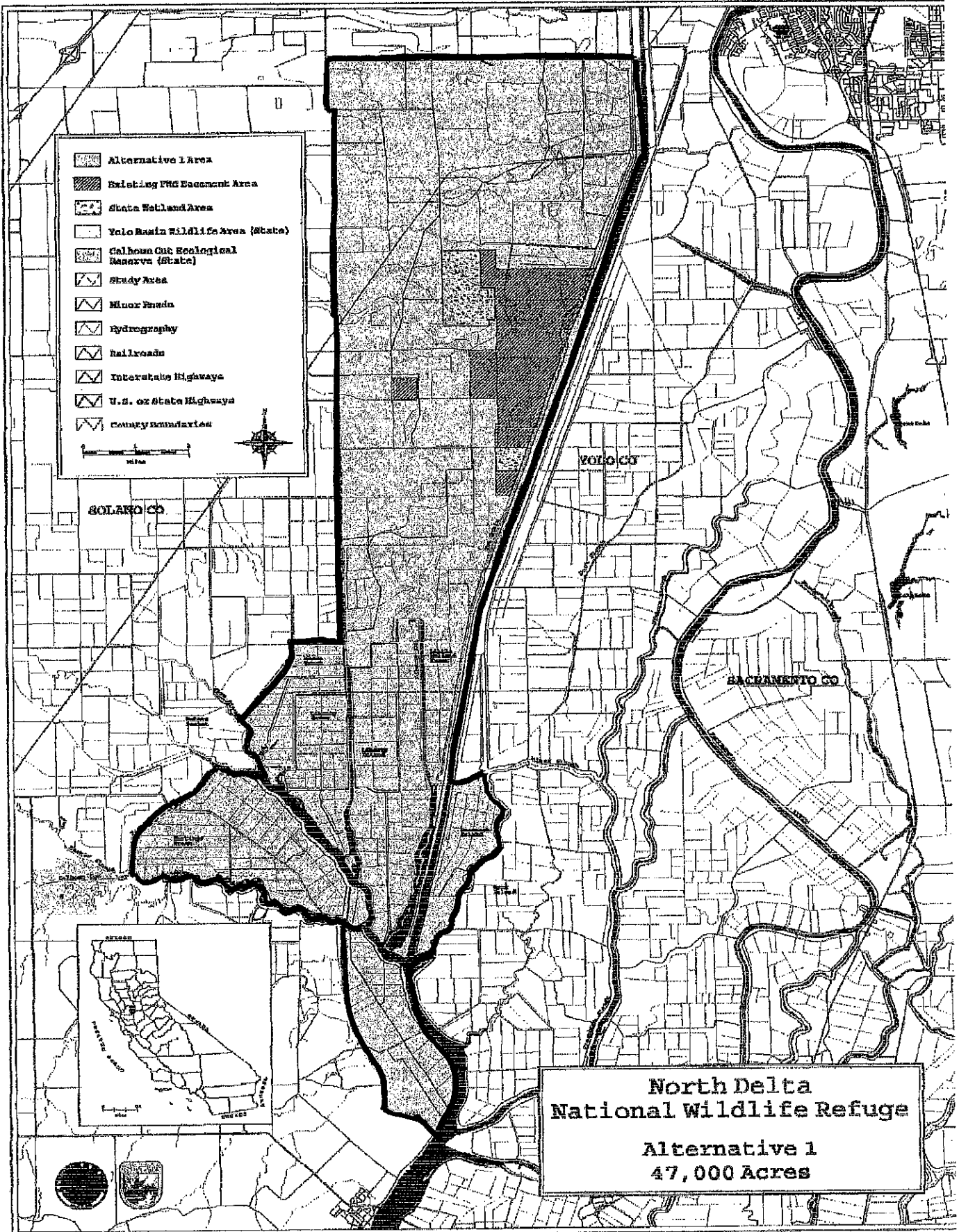
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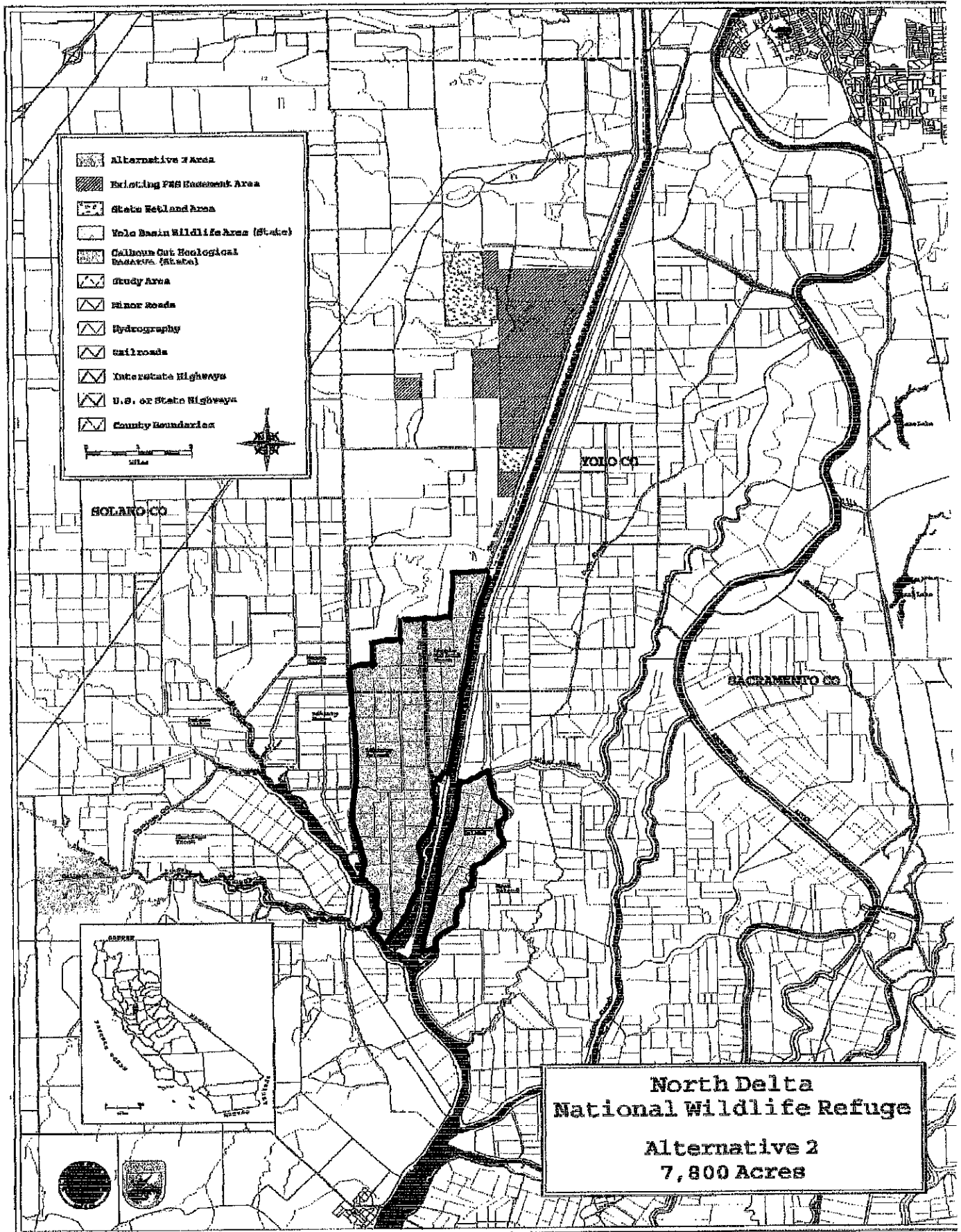


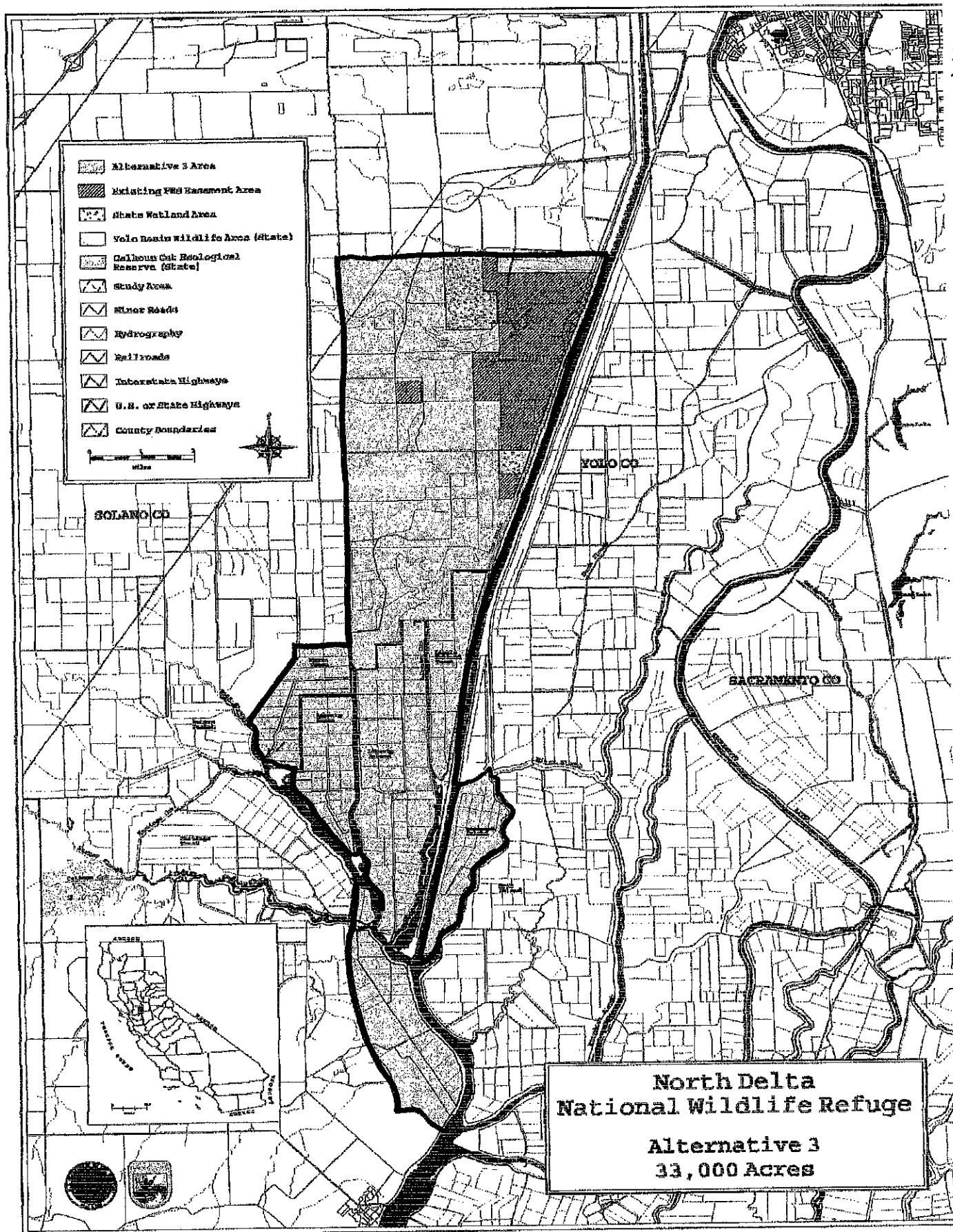
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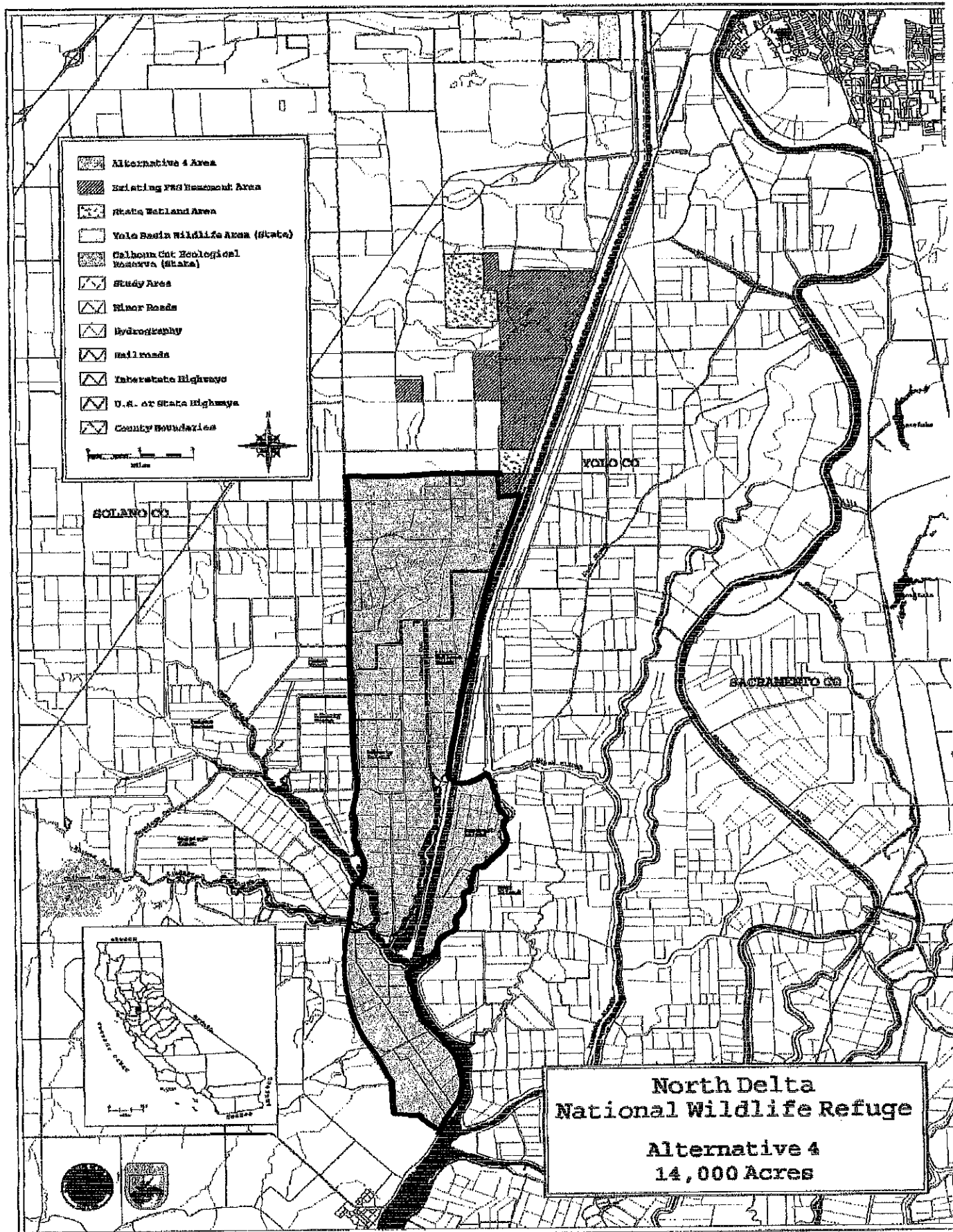
- DELTA BOUNDARY - SECTION 12220 OF THE WATER CODE
- PRIMARY ZONE
- SECONDARY ZONE











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January 15, 1999

To: Delta Protection Commission

From: Margit Aramburu, Executive Director

Subject: Draft Annual Report for 1998

The Delta Protection Act requires the Commission to submit a report annually to the Governor and the Legislature. The annual report is to describe the progress in achieving the objects of the Act including preserving agricultural lands, restoring delta habitat, improving levee protection and water quality, providing increased public access and recreational opportunities, and other functions.

Attached is a draft cover letter and draft annual report. This is the format requested by the Commission last year.

The Commission should review and make comments for corrections, clarifications, and additional information to be added to the draft annual report.

